

Independent investigation into police contact with Joanne Butler prior to her murder

Independent Investigation
Commissioner's Report

IPCC Reference: 2010/001715

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Introduction

1. This report sets out the findings from our independent investigation into Leicestershire Police's response to four phone calls made on the evening of Tuesday 3 January 2006.
2. All four of the calls came from Maughan Street, Earl Shilton where Joanne Butler lived at number 27. Two of the calls came from her address and two from other residents of the street, including one from a man who would subsequently be convicted of Joanne's murder.
3. Joanne's body was found in her flat on the following day after fire fighters responded to a blaze there. She had been brutally attacked.
4. Sean Wilson and a 14 year old boy, who lived in the flat below Joanne, were arrested and subsequently convicted at Leicester Crown Court in late 2006 of murdering Joanne
5. This report sets out the investigation's findings and my thoughts on some of the matters that affected the investigation.

Referral

6. Following the murder, Leicestershire conducted an internal review into their contact with Joanne Butler and her murderers, both on the night and prior to that.
7. The report was passed to the Chief Superintendent in the Professional Standards Department on 19 May 2006.
8. In November 2006 the Chief Superintendent made enquiries about a dispatcher who featured in the report. He was told he no longer worked in the Call Management Centre and had become a Police Officer in the constabulary in October 2006. Due to his change of role no disciplinary action could be taken against the individual.
9. In January 2010 Leicestershire Constabulary referred the matter to the IPCC after media coverage of an independent health care services review highlighted their contact with Joanne Butler prior to her death. The incident fell within mandatory referral criteria which the Force failed to follow in 2006. Following the referral the force was asked to conduct a formal assessment of all case reviews including death following police contact since April 2004.

Summary of calls to Leicestershire Constabulary and their response

10. The investigation focussed on the four calls received by Leicestershire Constabulary on 3 January 2006, as well as the relevant incident logs and the radio transmissions the calls generated.
11. Of the four calls received by Leicestershire Constabulary, three were directed to the force's Call Management Centre by BT operators following the dialling of 999. The other call was to Leicestershire Constabulary's non-emergency telephone number and therefore received directly by the force.

Call 1

999 Call from 27 Maughan Street approx 5.04pm

12. This call was transferred to Leicestershire Constabulary by a BT operator who told the Call Management Centre that before the call terminated a woman could be heard shouting. The telephone number, address of the caller and the name associated with the line was passed on.
13. An incident log was created that showed a check by the police call handler produced no historical information. A return call was made, but this went unanswered so an entry that read 'silent call - no contact' was entered on the log before it was closed at 5.14pm.

Call 2

999 call from Sean Wilson approx 5.12pm

14. Sean Wilson told a call dispatcher in the Call Management Centre that a woman living in the flat above him had tried smashing his windows and ripped the wing mirror off a neighbour's car, before returning to her flat. He also told them there had been an incident earlier in the week where he had called the police and fire brigade.
15. Mr Wilson's said his step-daughter was with him and scared. He was advised that whilst his neighbour was in her flat he should take the opportunity to leave the

property and to call back if there were any problems.

16. An incident log was opened, but closed almost immediately with no information entered by the call dispatcher.

Call 3

999 call from 27 Maughan Street approx 5.13pm

17. This call was transferred to Leicestershire Constabulary by BT. They provided the telephone number and the BT operator said an argument could be heard in the background. The police operator then attempted to get a response from someone near the phone by shouting.
18. Details were entered onto the incident log, including that it was possibly a domestic incident. An unsuccessful attempt to phone the number back was made.
19. Responsibility for progressing the response was transferred through to the call dispatcher who had dealt with Sean Wilson's call. He downgraded the response from the highest priority level one, which determined that there should be an immediate response, to level four and closed it as it was linked to a further call the police had just received. Level four signifies the matter has been resolved without deployment.

Call 4

Non emergency call to police from Maughan Street resident at approx 5.15pm

20. A man called to say a woman who lived on the same street as him had been causing a disturbance and had potentially damaged his car. He also expressed concerns for her mental health and told the call handler the police had attended a few times recently.
21. The police operator told the caller that if the woman came out again to telephone 999 and an officer would attend. He also linked it to the incident log created after the first call and conducted a historical check, which again yielded no results.
22. The incident was then passed to the same call dispatcher who had handled responses to the calls at 5.12pm and 5.13pm, who made three attempts using the

police radio to identify officers who could attend. There is no indication anyone responded.

23. An officer on patrol added information to the incident log saying that the woman involved was Joanne Butler and that she had mental health problems.
24. At 5.30pm the call dispatcher telephoned the member of the public back and arranged for an officer to attend the next day in the evening.

Conclusion

25. Our investigation highlights a number of areas of concern. The most obvious of which is that despite receiving four calls in an eleven minute period prior to Joanne's murder, three of which were 999 calls, Leicestershire police did not send resources to find out what was happening.
26. Aside from the failure to ensure officers attended, each call featured actions that were not done as they should have been. Calls were initially graded and then down graded incorrectly and policies regarding the handling of potential domestic incidents and abandoned 999 calls were not followed.
27. Despite there being 20 incidents in 2005 where the police had been involved with Joanne, much of which related to her mental health , the control room staff did not have quick access to this information. Therefore they could not assess the situation as comprehensively as they should have been able to.
28. This does not excuse the impression that at no stage did there appear to have been any concern for Joanne's well being.
29. Of particular concern was the way the same dispatcher dealt with the last three calls. He had the greatest awareness of the developing situation and he should have ensured that resources were dispatched, but he only made minimal efforts to do so.
30. The investigation was not able to establish with certainty whether any earlier police action would have prevented the murder of Joanne Butler.
31. Unfortunately the failures by Leicestershire Constabulary did not end that day. This incident clearly should have been referred to the IPCC in January 2006 when it happened, not four years later.

32. The late referral combined with the lack of timely action by the force's Professional Standards Department following their internal review meant the dispatcher could not be held to account for his actions. By then he had left his civilian position to become a police officer and was therefore no longer subject to disciplinary procedures as laid out in the Police Reform Act.
33. It also meant he did not have to engage with our investigation. Instead of seeking to help Joanne's family understand what happened that truly tragic day, he refused to give an explanation for how he performed his responsibilities that day.
34. In my view, he had a case to answer for misconduct, but as a result of the Constabulary's own Professional Standards Department failure to refer this case to the IPCC and his move from a police staff role to a police officer role in the intervening period, he will never have to account for his failures.

Commissioner Amerdeep Somal

2 March 2011

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